IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 19753 of 2007(B)

E.P.NO.233/2007 IN RCP.34/2000 of PRL.MUNSIFF'S COURT,IRINJALAKUDA
.....

PETITIONER:

MINI @ PARVATHY,
CHERUMUKU TEMPLE ROAD,
IRINJALAKUDA TOWN, MANAVALASSERY VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENT:

NANDAKUMAR, ROOM NO.6/148,
PUTHILAM SHOPPING COMPLEX,
IRINJALAKUDA TOWN, MANAVALASSERY VILLAGE,
MUKUNDAPURAM TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY and K.P.BALACHANDRAN, JJ.

W.P.(C) No.19753 of 2007 B

Dated this the 27th day of June, 2007

Judgment

Koshy, J.

This writ petition is filed under article 227 of the Constitution of India. It is the case of the petitioner that the revision petition filed by the tenant was dismissed on his voluntarily undertaking that he will vacate the premises. Considering his undertaking that he will vacate the premises, this court granted time up to 31.7.2007 for vacating the premises provided arrears of rent, if any, are paid and also continues to pay the monthly rents as and when it falls due. It is the contention of the petitioner that rent was not paid when it fell due and there are still arrears and execution petition is being adjourned and now E.P. is posted for 31.7.2007. It is the duty of the execution court to see that this court's orders are strictly implemented especially when the order was passed on consent. It is pointed out by the counsel for the petitioner that even accepting his own statements, the rent due for July, 2006 was paid in May, 2007 and subsequently also this court's

orders were violated. In the above circumstances, execution court is directed to advance the execution petition with notice to the counsel for the respondent and see whether order passed by this court is implemented strictly and if there is any violation, take appropriate action. In the order dated 20.12.2006 passed in the review petition, this court has clearly mentioned that it is for the execution court to consider whether the conditions prescribed in the order of the court are strictly implemented and if it is not implemented, order immediate eviction. Petitioner is free to produce a copy of this judgment before the execution court.

The writ petition is disposed of with the above directions.

Issue copy today itself.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

vaa

J.B. KOSHY AND
K.P.BALACHANDRAN, JJ.

M.F.A.NO./200

JUDGMENT

Dated:27th June, 2007